



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Aviation Safety

800 Independence Ave  
Washington, DC 20591

May 23, 2022

Exemption No. 18564A  
Regulatory Docket No. FAA-2020-0369

Mr. Brian Lander  
Director of Operations  
Mountain Air Cargo, Inc.  
5930 Balsom Ridge Road  
Denver, NC 28037

Dear Mr. Lander:

This letter is to inform you that the Federal Aviation Administration (FAA) has granted your petition to extend Exemption No. 18564. This letter transmits the FAA's decision, explains the FAA's basis, and provides the conditions and limitations of the exemption, including the date the exemption ends.

### **The Basis for the FAA's Decision**

By letter dated March 2, 2022, you petitioned the FAA on behalf of Mountain Air Cargo, Inc. (Mountain Air) for an extension of Exemption No. 18564. That exemption from § 121.434(c)(1)(ii) of Title 14, Code of Federal Regulations (14 CFR) allows Mountain Air to substitute qualified and authorized check airman in place of an FAA inspector to observe a qualifying pilot in command (PIC) while that PIC is performing prescribed duties during at least one flight leg that includes a takeoff and landing when completing initial or upgrade training as specified in Section 121.424.

In your petition, you indicate that there has been no change in the conditions and reasons relative to public interest and safety that were the basis for granting the original exemption.

### **The FAA's Decision**

The FAA has determined that good cause exists for not publishing a summary of the petition in the *Federal Register*. The FAA has determined that good cause exists because the requested extension of the exemption would not set a precedent and any delay in acting on this petition would be detrimental to Mountain Air.

The FAA has determined that the justification for the issuance of Exemption No. 18564 remains valid with respect to this exemption and is in the public interest. Therefore, under the authority provided by 49 U.S.C. §§ 106(f), 40113, 44701, and 44807, which the FAA Administrator has

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delegated to me, I hereby grant Mountain Air Cargo, Inc. an exemption from 14 CFR § 121.434(c)(1)(ii) to the extent necessary to allow Mountain Air to substitute qualified and authorized check airman in place of an FAA inspector to observe a qualifying pilot in command (PIC) while that PIC is performing prescribed duties during at least one flight leg that includes a takeoff and landing when completing initial or upgrade training as specified in Section 121.424, subject to the following conditions and limitations.

### **Conditions and Limitations**

1. A Mountain Air check airman may conduct a PIC observation in place of an FAA inspector when:
  - a. The Administrator preapproves the substitution for each observation of a qualifying PIC candidate, thus reserving first right of refusal to the FAA in each case. Mountain Air, therefore, must contact an appropriate FAA office, in each instance, before substituting that check airman;
  - b. The qualifying PIC candidate has completed no less than 10 hours of supervised operating experience (OE) and accomplished no fewer than two takeoffs and landings; and
  - c. The qualifying PIC candidate is performing PIC duties during a complete flight leg, including flightdeck preparation before starting engines checklist, taxi, takeoff, all other flight phases, landing, taxi, and securing checklist.
2. Each Mountain Air check airman conducting a PIC observation in place of an FAA inspector must:
  - a. Be approved by the Administrator to conduct the observation;
  - b. Have served as a check airman for Mountain Air for no less than 6 months; and
  - c. Not supervise the OE or conduct the initial line check for the qualifying PIC candidate being observed.
  - d. Conduct the observation from the observer seat only (i.e. not a required flight crew member seat).
3. Mountain Air must maintain student and check airman records that demonstrate compliance with the conditions and limitations of this exemption.
4. The privileges of this exemption may only be exercised when the affected flight is an interstate operation that does not involve flight through international airspace or operates totally within the 48 contiguous states of the United States, including the District of Columbia.

Failure to comply with any of the above conditions and limitations may result in the immediate suspension or rescission of this exemption.

### **The Effect of the FAA's Decision**

The FAA's decision amends Exemption No. 18564 to 18564A and extends the termination date to June 30, 2024, unless sooner superseded or rescinded.

To request an extension or amendment to this exemption, please submit your request by using the Regulatory Docket No. FAA-2020-0369 (<http://www.regulations.gov>). In addition, you should submit your request for extension or amendment no later than 120 days prior to the expiration listed above, or the date you need the amendment, respectively.

Any extension or amendment request must meet the requirements of 14 CFR § 11.81.

Sincerely,

/s/

Robert C. Carty  
Deputy Executive Director, Flight Standards Service